

to, the following:

Climbing protocols, Annual Report to Congress Format (per Section 7 of the Wilderness Act), Evaluating Proposals for Scientific Activities in Wilderness, Solitude and Preservation of the Wilderness Soundscape, Risk Management and Safety/ Search and Rescue, New/Emerging Technologies, Zoning, Water Resource Management, Human Waste Management, Carrying Capacities, Group Size Limits, and Alien Species Management.

Other issues will be addressed as necessary. Superintendents and staff are encouraged to address these issues within the context of their individual wilderness management plans **and/or** request program guidance.

E. Military Facilities

A Department of Defense Directive, Number 4165.6, issued September 1, 1987 states in section 6.2.2 Use of Real Property. Installation commanders should use the following priorities when assigning unused space on their installations. They may make exceptions to these priorities when they determine if it is in the best interest of the installation to do so. The commanders shall consider: ...6.2.2.5. All others.” Prior to other uses, the installations commander must consider the DoD activities, then activities of other DoD tenants, then other federal agencies, before considering all others. Section 6.2.3.4. speaks to outleasing. and 6.26 Charges for Use of space. In section 6.2.3.4 “**All** proposed outleasing actions (irrespective of grantee or considerations must be considered and assessed within the policy guidance of DoD Directive 5100.50 and 42 USC 4321 (references (s) and (i)). It further states, in section 6.2.6, “Charges for Use of space. Unless specified differently in this or other DoD regulations, charges shall be assessed at fair market rates for use of DoD space by other Federal Agencies. Exceptions to this policy are: ...6.2.6.5. Permits in the nature of an easement granting a right of way for roads, pipelines, cables, or similar purposes.”

In summary, it is possible to receive a right-of-way on Department of Defense facilities, and while I found references to other federal agencies, or educational facilities, I did not specifically find a reference to utility installations or other installations such as fiber optics. I surmise that it is possible, and that once again, fair market value determines the ongoing annual fee, with the initial costs for installation being borne by the applicant.

F. National Marine Sanctuaries

The National Marine Sanctuary has issued a draft report titled “Fair Market Value Analysis for a Fiber Optic Cable Permit in National Marine Sanctuaries” August 2001. In the conclusion of the report, the authors of the report recommend the analysis of comparable previous transactions at the appropriate approach to determining fair market value. Bulletin board for the National Marine Sanctuary, in the internet at the following address:
www.sanctuaries.nos.noaa.gov/news/newsbboard/newsbboard.html has the following posting.

A notice reopening the comment period on the draft report "Fair Market Value Analysis for a Fiber Optic Cable Permit in National Marine Sanctuaries" was published in the Federal Register on August 17, 2001. The comment period is open for 45 days, closing on October 1, 2001.

Summary of the Analysis and Original Comment Period

The National Oceanic and Atmospheric Administration's (NOAA's) National Marine Sanctuary Program (NMSP) has been addressing various issues related to the installation and maintenance of submarine cables in national marine sanctuaries. Section 310 of the National Marine Sanctuaries Act, 16 U.S.C. 1441, authorizes the issuance of special use permits to establish conditions of access to and use of any sanctuary resource or to promote public use and understanding of a sanctuary resource. Section 310 also authorizes the assessment of fees for issuance of special use permits, including a fee that represents the fair market value of the use of sanctuary resources. To date, two special use permits have been authorized for fiber optic cables in national marine sanctuaries: one in Olympic Coast NMS off the coast of Washington state (November 1999) and another in Stellwagen Bank NMS off the coast of Massachusetts (August 2000). With the assistance of several outside experts, NOAA resource economists have written the report "Fair Market Value Analysis for a Fiber Optic Cable Permit in National Marine Sanctuaries" analyzing how fair market should be calculated and assessed.

The report was first published in the Federal Register in January 2001 for a fifteen-day comment period. Most comments requested additional time to provide public input on the report. Therefore, NOAA is now reopening the comment period for 45 days.

Since the initial comment period, NOAA has updated the report by making a number of editorial and clarifying changes, and including some updated information. Further, NOAA has removed the recommended fee amount in the original analysis and is seeking comments on the methodology described in the report or suggestion of an appropriate alternative methodology. Once the current comment period closes, NOAA will evaluate the comments and make any necessary revisions to the methodology used in determining fair market value. NOAA will publish a final notice that summarizes all comments and presents a final fee methodology to be applied to any future cable projects within national marine sanctuaries that may be authorized pursuant to a special use permit.

The section titled **The Permitting Process and Fair Market Value** states:

The National Marine Sanctuaries Act (NMSA) authorizes the Secretary of Commerce to issue special-use permits authorizing the conduct of specific activities and establishing conditions of access and use for marine sanctuary resources. The presence of a fiber-optic cable on the floor of a sanctuary is a use for which a permit may be issued. According to the NMSA, the Secretary may assess and collect a fee that includes the cost of issuing the permit, as well as monitoring and other costs incurred as a result of the permitted activity.

In addition, the fee must include "an amount which represents the fair market value of the use of the sanctuary resource." In addition to issuing a special-use permit, Sanctuary authorities must review and authorize an Army Corps permit for any cable project that includes a sanctuary crossing. The permitting

process of the Army Corps of Engineers covers installation, maintenance and removal for an entire undersea cable project. Potential harm to the undersea environment from cable installation is examined in an appropriate environmental review under the National Environmental Policy Act. NMSP is developing a set of principles to guide the installation of cables in marine sanctuaries and is working to ensure that environmental impacts will be minimal and appropriately mitigated. Those principles were published for comment in an advance notice of proposed rulemaking (65 FR 51264, Aug. 23, 2000). NOAA is currently reviewing comments received on this notice.

Installation, maintenance, and removal of the cables are covered by sanctuary authorization of the Army Corps permit. Because some amount of injury may occur during cable installation, and because by law the special-use permit cannot be applied to any activity causing injury, the special use being authorized by NMSP is to allow the use of sanctuary resources by the long-term presence of the cables on the sanctuary seabed.

In 1993 the Office of Management and Budget (OMB) issued its most recent directive concerning fair market value and fees charged for the use of Federal agencies to assess a user charge against each identifiable recipient for a service or privilege that confers special benefits. As with the granting of a fiber-optic permit, such a privilege “enables the beneficiary to obtain more immediate or substantial gains or values (which may or may not be measurable in monetary terms) than those that accrue to the general public.” A government service is also designated as a special benefit if it is “performed at the request of or for the convenience of the recipient.” The directive further states, “user charges will be based on market prices.”

The issue of “fair market value” or “market price” for the use of a sanctuary resource is complicated by the presence of non-market amenities. The value of a marine sanctuary lies in the conservation of a marine environment deemed to have special significance. Many people receive pleasure in knowing that the sanctuaries exist and are protected. These individual values, added up over millions of people, may have tremendous value, but little economic information about the extent of this value is revealed in market transactions. Additionally, installing a cable in a marine sanctuary can provide economic benefits to the public. This fair market value analysis will take account of these potential economic benefits to the public.

This report relies on a comparison between the granting of a fiber optic permit and the sale of a fiber optic right of way. Numerous private-market precedents exist for the appraisal and sale of such right-of-way easements. This report also considers the amenity value of a sanctuary, but for a number of reasons this value is not specifically estimated and is not part of the calculation of fair market value. It is believed that the analysis of market transactions results in a reasonable special-use fee based on sound and thorough economic considerations.

II. State of Idaho Lands

A. Idaho Transportation Department

The Idaho Transportation Department (ITD)’s Roadway Design Manual, Chapter 4, addresses Utilities

and their usage of the right-of-way. Chapter 4 states, in part:

4.15 UTILITIES - GENERAL

Utility facilities shall mean all privately, publicly, or cooperatively owned lines, facilities, and systems for producing, transmitting, or distributing communications, cable television, power, electricity, light, heat, gas, oil, crude products, ore, water, steam, waste, storm water not connected with highway drainage, and other similar items including fire and police signal systems and street lighting systems that directly or indirectly serve the public or comprise part of the distribution systems that directly or indirectly serve the public.

The AASHTO Manual under Acquisition for right-of-way says in part, "...in all instances where utility facilities are encountered (in highway construction **work**), every effort should be made to accomplish the most economical and best engineered adjustments and relocations possible." Appendix B, ITD's "A POLICY FOR THE ACCOMMODATION OF UTILITIES WITHIN THE RIGHT-OF-WAY OF THE STATE HIGHWAY SYSTEM IN THE STATE OF IDAHO" also has established policies that shall be used when utilities must be relocated within the right-of-way of the State Highway System.

The Railroad/Utility Engineer has the responsibility for all agreements connected with the movement of utilities when highway projects involve relocation of utilities at state expense. The District ~~is~~ responsible for the agreements covering relocation of municipally owned utilities within municipal boundaries. The Railroad/Utility Engineer will maintain liaison with the District in such instances.

In cases where irrigation districts or canal companies move their facilities at state expense, the facility will be treated as utilities.

For projects that require installation of a new telephone service, should contact the ITD General Services section for assistance.

District Design shall notify all effected parties of any changes to the fiscal year construction schedule.

The Secretary of the Board will notify a utility company of the requirement to relocate its facilities after a utility hearing is held or the utility company executes a Waiver of Hearing. The notification normally takes place after the bids for a project are opened. The notice and opportunity for a hearing and the authority to order utility companies to relocate their facilities are contained in Idaho Code 40-312(3). Also, see Administrative and Board policies **A** and B-14-08, Movement of Utilities, for information about movement of utilities and utility hearings.

4.15.1 Cost of Relocation Responsibility

Where a utility company has a right of occupancy by reason of holding the fee, an easement, or other property interest and the facilities do not occupy public road right-of-way under existing conditions, the cost ~~of~~ relocation under the project will normally be at state expense.

Where a utility company's facilities occupy a public road right-of-way under existing conditions, the cost of relocation under the project will normally be at utility company expense. Where a utility company's facilities were previously located on the public right-of-way at state expense under a prior project, the relocation under a new project will also be at state expense.

Another source for information on right of way access and ITD are the following 2 policies - Highway Access Control Policy and the Right-of-way Use Policy.

ITD does not have a written policy for permits for fiber optic or broadband easements that are not owned by utility companies. They have to date only processed one permit for a non-utility application.

III. Railroads

In general, the railroads have a great amount of information about the engineering specifications and licensing requirements for any type of railroad encroachment or crossing. The construction requirements appear to be uniform for almost all of the railroads in this investigation. Each company clearly defines the permitting process and the processing or application fee required; however, ongoing yearly lease or rental payments are not set forth on the various company's website, although doubtless there is a yearly cost for the encroachment or crossing.

A. Burlington Northern Santa Fe Railway

The Burlington Northern Santa Fe Railway has published on their website, a Utility Accommodation Policy. The policy relates the requirements for the “accommodation, location and method of installation, adjustments, removal, and relocation and maintenance of utility facilities” on Burlington Northern & Santa Fe Railway Company (BNMSF) property. The policy describes utilities as “lines, facilities and systems for producing, transmitting or distribution communications, power, electricity, light, heat, gas, oil, crude products, water, steam, waste, storm water and other similar commodities which are privately, publicly or cooperatively owned and which serve directly or indirectly the public or any part thereof.” The policy has requirements for utilities paralleling and crossing railroad property. The policy has design and construction requirements, as well as licensing and liability insurance requirements.

In Part 3, Utilities Paralleling Railroad Property, in underground installations, specifications for fiber optic lines are given. They are to be a minimum depth of 4.0 feet BNG (below ____ grade) for fiber optic cable wirelines, and whenever feasible, the cable should be laid within 5 feet from property lines. A warning tape is also to be installed, 1.0 foot BNG directly over the underground power line where located on Railroad right-of-way outside the track ballast sections.

In Part 3, Utilities Crossing Railroad Property, in underground installations, specifications for fiber optic lines are given. The policy states, “The same requirements for electric power line crossings will apply for fiber optic line crossings except for the following: A minimum depth of 4.0 BNG for fiber optic cable wirelines, and BNSF Engineering must approve any specialized equipment used to install cable. No rail plow will be allowed for installation purposes.”

There is a \$250 non-refundable processing fee to apply for a permit. BNSF uses the services of Staubach Global Services for professional Real Estate Services. The average cost of an electric line crossing is \$2500. The cost for communications crossings is determined by BNSF. The costs for installations parallel to the tracks are based on the value of the area and calculated on a case by case basis. The minimum cost for a longitudinal installation is \$2500. The average time for completion of the permitting process is 45 to 60 days from receipt of the application. There are additional costs that may be incurred for the appropriate licenses and insurance requirements.

B. Union Pacific Railroad

Union Pacific Railroad (UPRR) has extensive information on their web site about the use of their right-of-way on their property. On their website, in the section titled “real Estate & Utility Specs” they define installations in their right-of-way as “either pipeline or wireline, may be considered encroachments, crossings, or both. UPRR defines an encroachment as “a pipeline or wireline that enters the railroad company’s right-of-way and either does not leave the right-of-way or follows along the right-of-way for some distance. They have clear and extensive requirements for both crossings and encroachments. While the information on the website does not specifically mention telecommunications uses, or broadband applications such as fiber optics installations, the website does not necessarily exclude such uses, and the specifications for wireline, although these specifications are geared towards electric installations, would most likely apply or be very similar.

UPRR requires at a minimum, an application form, a map of the location for the crossing or encroachment, and the appropriate exhibit “A,” an engineering design for the crossing or encroachment,

for either the pipeline installation or the wireline installation. UPRR has specific procedures for wireline/pipeline encroachments, and for pipeline crossings. There is a section on the engineering specifications, with various requirements for different types of crossings. In the engineering specifications, pipelines for non-flammable substances are required to be below the frost line and not less than **4.5** feet below base of railroad rail. Crossings for telecommunications installations are not specifically mentioned in the section on pipeline crossings. The section on wireline crossings is geared towards electrical installations, both underground and overhead.

UPRR requires a non-refundable application fee of \$1055 with the application. The applicant must also reimburse UPRR for any and all expenses incurred for the review of the encroachment applications. The processing time is approximately 3 to 6 months. The appropriate licensing and insurance certificates are required prior to the start of construction. The website makes no mention of further fees beyond the application fee. No mention is made time constraints on the use of the right-of-way, for instance, both the US Forest Service and the Bureau of Land Management have 10 year leases. There is also no mention of continuing compensation for the use of the right of way, such as yearly lease payments or some other form of yearly rent.

C. Idaho Northern & Pacific

The Idaho and Pacific Railroad Company operates in Idaho and northeast Oregon. The Rio Grande Pacific Corporation maintains a 100% equity interest in the Idaho and Pacific Railroad Company. Neither the Idaho and Pacific Railroad's website, nor its parent company's website provided any information on encroachments in the right-of-way.

D. Montana Rail Link

Montana Rail Link, Inc. operates in Montana, Idaho, and Washington. It is a unit of the Washington Group of Companies headquartered in Missoula, Montana, and is privately held. The Property Management Division of Washington Corporations manages Montana Rail Link's property. The website has information on pipeline and wireline crossings and longitudinal installations.

The application process for installations includes a completed application with a non-refundable \$600 review fee. There is a \$325 processing fee required after an agreement has been executed along with the payment for the first year's permit fee. There is no information as to how the yearly permit fee is calculated, or the length of time for the permits.

E. Eastern Idaho Railroad

Eastern Idaho Railroad is a subsidiary of Watco Companies. In the property management section of the Watco Companies website, information is available about pipeline and wireline installation, as well as property leases and permit to access property, among other applications and specifications.

Wireline installations require much the same information as required by UPRR. There is a non-refundable application fee of \$600. The agreement processing time is between 30 and 45 days. For underground wireline installations, there is a minimum of 5 feet below the base of rail for fiber optic cable wirelines, and a minimum of 5 feet below natural grade (BNG) for fiber optic cable wirelines. For

overhead installations, there is a minimum of 23.5 feet above top of rail clearance required. There is a minimum **4** feet clearance required above signal and communications lines.

The information provided on the website gives no indication of the ongoing requirements for lease or rental *costs* to be paid to the company, although there most likely are yearly rental or lease payments required, and would probably be calculated on a case by case basis.

ATTACHMENT E -STATE BY STATE STATUS REPORT

Real Estate	FHWA Home Feedback
	YPERLINK"http://www.fhwa.dot.gov/index.html"FHWA > HEP > Real Estate > Utility

RESOURCE SHARING

STATE- BY- STATE STATUSREPORT

December 2001 Update

Question: "Does your State accommodate fiber optics /wireless communications on Interstate or other freeways?"

Fiber Optics
Wireless

FHWA Resource Center or State
Interstate
Other Freeways
Interstate
Other Freeways
Comments

Eastern

Connecticut
Yes
(ITS.IMS and state use only)
No
Soon
No

Fiber Optics - For State purposes only - Incident Management System (IMS) and Intelligent Transportation System (ITS). No resource sharing involved.

Wireless - A project has been authorized for State purposes only -- Digital Highway Advisory Radio (HAR) at six locations. No resource sharing will be involved.

Maine
Yes
Yes
No
No

Fiber Optics No resource sharing.

Massachusetts
No
Yes
Yes
Yes

Fiber Optics - State gets lines in return for accommodation.

Wireless - State gets some wireless facilities in return.

New Hampshire

No

Yes

No

No

Fiber Optics - A short line was placed from the FAA center in Nashua to a nearby location along Route 3. No resource sharing was involved. Comments - Currently working on RFP for consultant to assist in determining State's best interest. consultant in place by the Fall of 2001.

New Jersey

Yes

(ITS only)

Yes

Yes

Yes

Fiber Optics - ITS only.

Wireless - 5 installations as airspace agreements.

New York

Yes

Yes

Yes

Yes

Fiber Optics - Lines are installed on NY State Thruway. NYSDOT has continuing RFP for fiber projects on their R/W.

Puerto Rico

No

No

No

No

R/W sharing is under consideration.

Rhode Island

Yes

Yes

Yes

Yes

Fiber Optics - State obtained 2 conduits for state use in exchange for allowing private usage of R/W.

Vermont

No

No

No

No

Delaware

No

No

No

No

District of Columbia

No
No
No
No

Maryland

Yes
No
Yes
Yes

Fiber Optics - On most Interstates in central MD. Approximately 370 total miles.

Wireless - Ten towers have been installed along controlled access facilities. Towers accommodate multiple providers - as many as five providers per structure.

Pennsylvania

No
No
No
No

Resource sharing not permitted by state law on controlled access R/W. Turnpike is negotiating for joint use of fiber and wireless with private company.

Virginia

ITS only
ITS only
Yes
Yes

Wireless - There are a number of installations with more to follow.

West Virginia

No activity as yet. Recent **RFP** was canceled. Future status is unclear

Southern

Alabama

No
No
No
No

ALDOT has appointed a committee to evaluate all aspects of placing both fiber & wireless facilities on Alabama freeways.

Florida

ITS only
ITS only
Yes
Yes

Fiber Optics - (see details in the body of the survey)

Wireless - A total of 70 towers are expected.

Georgia
ITS only
No
No
No

Fiber Optics - For State purposes only. No resource sharing involved

Kentucky
ITS only
ITS only
No
No

Fiber Optics - For State purposes only. No resource sharing involved.

Mississippi
Yes
Yes
No
No

Fiber Optics - One temporary Interstate installation and several installations on other freeways.
No compensation. No resource sharing involved.

North Carolina
No
Yes
No
No

Fiber Optics - No compensation.

South Carolina
Yes
No
No
No

Fiber Optics - ITS use only, except one river crossing by Southern Bell

Tennessee
Yes
No
No
No

Fiber Optics - There is one installation on the I-55 Bridge in Memphis. Committee is considering how to implement the law on future fiber-optic and wireless installations.

Texas
Yes
Yes
Yes
Yes

Fiber Optics - No compensation has been received. Utilities have a right to occupy the R/W. No resource sharing is involved as yet, but rulemaking underway.
Wireless - Two Interstate and two other freeway installations in the San Antonio area. No compensation

received. No resource sharing involved as yet.

Arkansas

Yes
No
No
No

Fiber Optics - Lines have been installed on some Interstates (1-40 across state; some sections of 1-30, 1-540, I-430). Received lines in exchange.

Wireless - Not allowed on any highway R/W at present.

Louisiana

Yes
Yes
Yes
Not yet

Fiber Optics - On interstates, the charge is \$5,000 per mile,
Wireless - One site.

New Mexico

Yes
Yes
Yes
Yes

Fiber Optics - State negotiating for Interstate and other State R/W accommodation partners
Wireless - One site operational.

Oklahoma

Yes
Yes
No
No

Fiber Optics - Seven lines in place
Wireless - None as yet.

Midwest

Illinois

Yes
No
No
No

Fiber Optics - Lines recently installed.

Indiana

Yes
No
No
No

Fiber Optics - Pilot project on the Indiana Toll Road, I-80/I-90, across the northern portion of the State. INDOT Toll Road Division compensated with cash and use of fiber capacity.

Wireless - INDOT is considering developing a RFP for wireless using certain facilities.

Michigan

Yes

Yes

No

No

No charge for use. Permit required with one-time permit fee of \$1000/mile. Accommodation normally within 15 ft of fence. All installations are longitudinal.

Minnesota

Yes

Yes

No

No

Fiber Optics - The state's fiber optic network currently spans 250 miles along 1-94 from Wisconsin to Fargo, ND. In February 2001, MnDOT terminated its agreement with a private consortium that was granted exclusive access to lay a fiberoptic network within state trunk highway R/W. The consortium was unable to fully finance the remaining network of 2,000 miles as originally proposed. MnDOT is committed to complete the network and is currently exploring other options.

Ohio

No

No

Yes

Yes

Fiber Optics - No private fiber optics longitudinally installed along Interstate or other Freeways. ODOT is reviewing its position on this subject and awaiting experience of other states.

Wireless - 23 towers on Interstate R/W and 3 towers on Non-Interstate freeway. 3 towers at ODOT District offices.

Wisconsin

Yes

Yes

No

No

Fiber Optics - WisDOT has received cash from \$5,500 to \$10,000/mile over a 20-25 year period, but could receive fiber, cash, or both. Access to other highways is free. 5 companies utilize controlled-access highways. Approx 320 miles and \$1.8 million. State currently needs fiber for ITS/other applications. Wireless - None to date, but some indicated interest. State allows towers at rest areas, weigh scales, or other safe RIW location. NOTE: For fiber/ wireless, a master agreement is prepared and permits issued per localion.

Iowa

Yes

Yes

NO

No

Fiber Optics - For State purposes only --the Iowa Communications Network (ICN). No resource sharing. Other commercial underground communications (fiber and copper) cables permitted for annual fee.

Kansas

Yes

Yes

No

No

Fiber Optics - On 25-mile section of Interstate maintained by the Kansas Turnpike Authority and on other freeways. Cash compensation in one case. KDOT has two shared resource projects. The statewide contract covers 550 miles of R/W from Kansas City to the Colorado border, through Lawrence, Topeka, and Salina, largely along 1-70, and From Salina south on 1-135 to Wichita.

Missouri

Yes

Yes

No

No

Fiber Optics - Some installations on interstate/other freeways. Only one installation (thru RFP process) in exchange for use of six strands of F.O. cable as backbone For MoDOT's ITS network. F.O. system value recognized under the FHWA Innovative Finance Program & \$30 million soft match credit approved for future ITS projects.

Wireless - MoDOT seeks partners for the future.

Nebraska

No

No

No

No

Western

Colorado

Yes

Yes

No

No

Fiber Optics - Installations have been permitted in exchange for fibers to be used by CDOT.

Montana

No

No

No

No

MDT continues to study the effects of utility occupancy of interstate R/W.

Wyoming

Yes (limited)

Yes

No

No

Fiber Optics - Installations permitted on freeway R/W. Interstate applications are reviewed separately on case-by-case basis. Compensation varies. Resource sharing under review. State Business Council and DOT involved in the review process.

North Dakota

soon

Soon

No

No

Fiber Optics - NDDOT has considered the installation of fiber optics in the R/W. Negotiations with

a private vendor failed, and no additional requests have come forward.

South Dakota

Yes

Yes

No

No

Fiber Optics - The SDDOT has installed fiber optics cable in the Interstate R/W. Other requests will be considered as the need arises. **All** schools (elementary, Middle and High Schools, and Universities) in South Dakota have been wired with Fiber Optics to make the Internet available to all SD Students.

Utah

Soon

Soon

No

No

Fiber Optics - Governor's Task Force recommendations and regulations being developed to respond to recent change in State law allowing compensation beyond basic permit fee.

Arizona

No

No

Yes

Yes

Wireless - One antenna has been installed on one overhead sign structure support located adjacent to the ramp between I-10 and the Route 202 Freeway. Cash compensation was received.

California

State only

No

Yes

Yes

Fiber Optics - Installation for State purposes only. No resource sharing involved. Caltrans exploring options to develop fiber optics accommodation policy that would permit compensation in some form to Caltrans. Legislative changes would be necessary to revise State Code.

Wireless - Installations permitted on Interstate and other Freeways (access controlled) under State's "Licensing Process and Siting Guidelines". Cash compensation to Caltrans based on type of equipment and geographical location, (See website - <http://www.dot.ca.gov/wireless/>). Wireless telecommunication sites permitted on conventional highways as encroachments.

Idaho

No

No

No

No

Fiber Optics - Installations not permitted on Interstate R/W. Looking at hiring a consultant to prepare an RFP to offer fully limited access facilities (including the Interstate) for fiber installation in return for either barter or cash benefits. Use of other highways is anticipated.

RESOURCE SHARING
STATE-BY-STATE STATUS REPORT
April 2001 Update

Eastern Resource Center:

CONNECTICUT

FHWA Contact: Lester Finkle and John McAvoy, Connecticut Division (860) 659-6703, ext 3007

E-Mail Address: finkle@igate.fhwa.dot.gov and john.mcavoy@fhwa.dot.gov

State Contact: Robert Ritsick, ConnDOT (860) 594-3262

E-Mail Address: Robert.Ritsick@PO.state.ct.us

Fiber Optics: Connecticut Department of Transportation (ConnDOT) policy does not permit fiber optics on Interstate routes nor limited-access highways. On all other State routes, if the utility is regulated by the DPUC, the established permitting process is followed.

Wireless: Facilities have not yet been installed on any Interstate highway R/W in Connecticut, but the Division Office authorized a project involving Digital Highway Advisory Radio (HAR) at 6 locations. No outside compensation was involved in the HAR installations. They had Federal/State transportation funding. The facility locations are outside the clear zone, in ramp median areas. The Division Office has been involved in the promotion of HAR, and in reviewing, providing comments, and approving Highway Advisory Radio (HAR) PS&E submittals. ConnDOT is also pursuing a pilot project allowing for a Request For Proposal to be promulgated relating to a specific site and allowing for a stipulated tower height. However, ConnDOT is not planning to change its stated policy.

MAINE

FHWA Contact: Ken Todd, (207) 622-8350 ext.12 E-mail: ken.f.todd@fhwa.dot.gov

State Contact: Brian Burne, Utility & R/W Services Manager, Maine DOT (207) 287-3681

E-mail address: Brian.Burne@state.me.us

Fiber Optics: Lines have been installed on Interstate highway R/W in Maine and on other controlled access Federal-aid highway R/W in the State. No compensation has been received. The lines were installed outside the clear zone and are maintained from the mainline. The Division Office provides advice and approval.

Wireless: facilities have not been installed on Interstate highway R/W in Maine or on any other controlled access Federal-aid highway R/W.

MASSACHUSETTS

FHWA Contact: John McVann, (617) 494-2521 E-Mail: John.McVann@fhwa.dot.gov

State Contact: Michael Schwartz, Massachusetts Highway Department, (617) 973-7559

Fiber Optics: Mass. DPW has some installations on Route 128. State receives several lines in return

Wireless: State permits some wireless antennas, and receives some usage of these facilities.

NEW HAMPSHIRE

FHWA Contact: Martin Calawa, Area Engineer (603) 225-1609 E-Mail: Martin.Calawa@fhwa.dot.gov

Fiber Optics: The state is in the process of developing a RFP for a consultant to help them determine what would be in the best interest of the State regarding fiber installation. Basically, since the State does not have any experience with fiber they are seeking advice. In addition, they need to come to terms with what their own needs may be in the future. The Plan is to have a consultant in place this fall, and to go to contract in 2003 for installation.

Wireless: New Hampshire presently does not have any wireless telecommunication facilities in Limited Access R/W. Pending legislation may dictate the use of "low towers" in the future in NH. This may mean more towers, but less obtrusive ones. They are also looking into these going into the NH R/W, but that is

still some time off

NEW JERSEY

FHWA Contact: Keith Sinclair (609) 637-4204 E-Mail: keith.sinclair@fhwa.dot.gov

Fiber Optics: NJDOT Contact: James Paral (609) 530-2488. Fiber optics lines have been installed on Interstate R/W and other NHS highway R/W. These facilities are State owned and operated. They were installed for State Traffic Management Systems purposes (i.e. computerized signal systems, etc). They have been located at various locations, including the median. Access occurs from the traveled way. (i.e. need traffic control with lane closure, etc). The Division Office reviews, approves proposed locations, and advises NJDOT as part of their review of contract plans.

Wireless: NJDOT Contact: Henry Soloway, (609) 530-3875 Wireless facilities have been installed in 5 locations on Interstate and other NHS R/W with additional installations proposed. Since wireless communications are not a public utility under State law, the installations are being done under airspace agreement provisions rather than a utility accommodation policy. The Division Office reviews and comments on conceptual plans for proposed Interstate locations and approves final plans. The Division Office has assisted the NJDOT in establishing guidelines and procedures for installation, approval of location sites, and final approval of installations.

NEW YORK

FHWA Contact: Tom Herritt, (518) 431-4125 ext. 233 E-Mail ThomasG.Herritt@fhwa.dot.gov

NYSDOT Contact: Richard Lee (518) 457-4449 Utilities

Fiber Optics: Fiber-optic lines have been installed on the New York State Thruway, which is maintained by the New York State Thruway Authority (NYSTA), from New York City to Buffalo (+/- 500 miles). NYSTA is an Authority and not under the jurisdiction of NYSDOT. One of six fiber banks is dedicated to the NYSTA for their use with communications, ITS, and other things. In addition, phased in cash will be provided at years 5 thru 20, and complete ownership of all the fiber optic will be attained within the R/W after 20 years. Fiber-optic lines have been located mostly on the R/W line, but occasionally in the median because of environmental or other constraints. Maintenance will have to be performed from the mainline with a permit requiring proper work zone traffic control and other safety considerations. In addition, a 17-mile fiber-optic facility has been installed on I-84, which is under the jurisdiction of the NYSTA. NYSDOT has a fiber-optic project completed on Interstate 87 from Albany to Canada and one in the design stage on NY Rt. 22 & I-684. There are several routes on Long Island in the planning stage. The state receives eight *governmental* fibers, NYSDOT one empty duct. Revenue sharing does apply above a threshold. The Division Office has reviewed the fiber optic installation locations, approved those areas that required median installations, and advised of additional verbiage to enhance safety during installation and maintenance.

Wireless: Facilities (antennas) have been installed on Interstate 495 in New York State. The State receives a rental fee for accommodating the wireless installations (antennas). The antennas on the Interstate will be accessed for maintenance purposes from the mainline in some instances. Under a site manager services agreement, NYSDOT R/W is to be used for wireless. Gross revenues are distributed 30/70 or 50/50 depending on who builds (or built) the facility. A proposal to rent antenna space on New York State Thruway Authority communication towers was discussed with the **DO** to confirm that FHWA approval was not required. There are also about a dozen wireless sites in development.

PUERTO RICO

FHWA Contact: Jose Torres (787) 766-5600 x234 E-Mail: Jose.Torres@fhwa.dot.gov

Determination of R/W sharing not yet complete. Future DOT Intelligent Vehicle system and revenues are the only possible benefits now seen. PRDOT is installing conduits as part of widening projects in case accommodation decision is made.

RHODE ISLAND

FHWA Contact: Mike Butler (401) 528-4564 Email: MichaelJ.Butler@fhwa.dot.gov

State Contact: Robert Jackson (401) 222-2411 ext. 4525 E-Mail: Rjackson@dot.state.ri.us
Fiber Optics: Level 3 Communications, LLC has installed within the Interstate and other NHS Rights-of-Way. distance of approximately forty-six (46) miles, a minimum of nine (9) and a maximum of twenty-seven (27) one and one quarter inch conduits. Two conduits are State conduits, one conduit is vacant, and the other will have twenty-four (24) single-mode fibers for State use.
Wireless: Voicestream d/b/a as Omnipoint Holdings, Inc. has had an Agreement to erect twelve (12) monopoles within the Interstate and other NHS Rights-of-way since December 1997. To date eleven (11) sites have been identified and five (5) monopoles have been erected with two (2) monopoles hosting co-locators. Two additional monopoles are scheduled to be erected in 2001 bringing the total to seven (7).

VERMONT

FHWA Contact: Mark D. Richter, (802) 828-4423 E-Mail: mark.richter@fhwa.dot.gov
Fiber Optics: Fiber optic lines have not been installed on Interstate R/W or on any other controlled access Federal-aid highway R/W in Vermont. The Division Office has provided advice to the State.
Wireless: Facilities have not been installed on Interstate highway R/W in Vermont or on any other controlled access Federal-aid highway R/W. Division Office provides advice to the State.

DELAWARE

FHWA Contact: Robert Kleinburd (302) 734-2966 E-Mail: robert.kleinburd@fhwa.dot.gov
DelDOT: Gene Donaldson (302) 739-7786
Fiber Optics: Lines have not been installed on Interstate highway R/W in Delaware or on any other controlled access Federal-aid highway R/W.
Wireless: Facilities have not been installed on Interstate R/W in Delaware or any other controlled access Federal-aid highway R/W. 3/2001 - Delaware still does not have shared resource activity. Although fiber-optic lines are being installed along 1-95, it is being done in conjunction with the 1-95 Corridor Coalition. The 1-95 Corridor Coalition is an organization of Northeast States representatives gathered together to promote a coordinated ITS response. The most visible result of their activity is the EZ-Pass toll effort that involves the States from Maine to Delaware. Fiber-optic lines currently being installed will be used for coordinated ITS application, such as multi-state linked overhead signing messaging.

DISTRICT OF COLUMBIA

FHWA Contact: Ed Sheldahl, Bureau Operations Engineer & Tracy France, R/W, (202) 523-0163
Email: Tracey.France@fhwa.dot.gov
Fiber **Optics**: have not been installed on Interstate or other controlled-access R/W in the District. There are installations on other NHS routes in the District.
Wireless: Facilities have not been installed on Interstate or any other controlled access Federal-aid highway R/W in the District of Columbia.

MARYLAND

FHWA Contact: Ann Hersey, (410) 962-4342 ext. 135 E-Mail: Ann.Hersey@fhwa.dot.gov
Joseph Bissett, Statewide Utilities Engineer (410) 545-5546
Fiber Optics: Lines have been installed on Interstate R/W in Maryland on 1-70, 1-83, 1-95, I-270, I-295, and I-695, but have not been installed on any other controlled access Federal-aid highway R/W in Maryland. The State received conduit, fibers and monetary compensation. On approximately 685 total miles, cables were installed in the median, under the right hand shoulder, and beyond the right hand shoulder. All locations were within the R/W. Access is from the mainline. The Maryland Division and Region 3 offices worked with MSHA, providing guidance and approving the installations.
Wireless: Facilities have been installed on Interstate R/W in Maryland on 1-95 at MD 32 in Howard County. A tower replaced a high mast light pole and now has a light fixture attached to it. Wireless telecommunications facilities have been installed at 1-95 at MD32, I-270 at Montrose Rd. I-495 at MD185 and I-695 at Greenspring Avenue. Eight towers have been installed along controlled access facilities, many near or within interchanges. Towers accommodate multiple providers - as many as five providers per structure. Additional tower sites are under consideration. 9 additional towers are proposed within the R/W

of both Interstate and other controlled access Federal-aid highways. The State will receive monetary compensation for these installations, approximately \$24,000- \$37,500. per site annually. The dollar amount varies by site. The Maryland Division and Region 3 Office worked together with MSHA to develop guidelines for the placement of wireless facilities within the highway right-of-way. The priorities below correspond to Maryland's "Wireless Telecommunications - Priority Checklist for Site Selection."

1. I-270 at Montrose Road - located along diagonal ramp of the interchange. Access is available from the left hand side of the diagonal ramp. (Priority 3 location)
2. I-495 at MD 185 - located along the mainline, but well outside the clear zone. Access is available from Kensington Parkway, a county road. (Priority 1 location)
3. I-695 at Greenspring Ave. - located in the infield area of the interchange, with access from Greenspring Ave, a county road. (Priority 1 location)

PENNSYLVANIA

FHWA Contact: Leland J. Kissinger, Utilities Specialty in the PA Division Office, (717) 221-3727

E-Mail Address: Leland.Kissinger@fhwa.dot.gov

State Contact: John Proud, Utilities Engineer, PennDOT Central Office (717-787-4038).

E-Mail Address EJProud@dot.state.pa.us

Fiber Optics: Fiber-optic lines have not been installed on Interstate highway R/W in Pennsylvania or on any other Federal-Aid highway R/W in the State.

Wireless: Facilities have not been installed on Interstate highway R/W in Pennsylvania or on any other Federal-Aid highway R/W in the State.

Comments: The Division Office has provided PennDOT with resource sharing information developed by FHWA HQ. as well as current practices from other states. PennDOT has been encouraged to consider developing resource sharing and partnering agreements with private utilities as a means of providing the communications infrastructure necessary to enhance present and future ITS systems.

VIRGINIA

FHWA Contact: Tim Lewis, (804) 775-3348 E-Mail: Timothy.Lewis@fhwa.dot.gov

VDOT Contact: Stuart Waymack (804) 786-2923 Waymack_SA@vdot.state.va.us

Fiber Optics: Fiber-optic lines have not been installed on Interstate highway R/W in Virginia or on any other Federal-Aid highway R/W in the State as part of Resource Sharing. However, an agreement is in the works for 1,200 miles of fibers to be installed. Fiber-optic lines have been installed in Northern Virginia for VDOT's traffic management system but this is not a part of resource sharing. Virginia plans to receive fiber infrastructure as compensation. More specifically, they will receive 18 fibers on 1,300 miles of rural Interstate, and 48 fibers on 148 miles of urban Interstate. It is VDOT's intention to locate these facilities far enough off the edge of pavement where access would not be a problem. The fibers must be placed so as not to interfere with the safe operation of the highways. The preferred location is to the right of the travel lanes, possibly outside of the clear zone or near the R/W line; however, fibers will not be located in the median.

Wireless: There are 65 sites that have been approved for wireless telecommunications installations on Interstate highways in Virginia. Some of these towers are under construction. Most of these facilities are in Northern Virginia and Suffolk, mainly on Interstate highways at strategic interchanges. Virginia will receive a combination of money and ITS infrastructure. Normally VDOT owns the tower. After a 5 year period, VDOT will receive approx. \$1000/month from users of the tower. These tower facilities are going to be accessed from service roads, ramps, and secondary roads. Any access from mainlines has to be approved by the Division Office.

WEST VIRGINIA

FHWA Contact: Henry (Ed) Compton (304) 347-5268

E-Mail: henry.compton@fhwa.dot.gov

State Contact: Guy Mick, Utilities Supervisor (304) 558-3656 E-Mail: Gmick@dot.state.wv.us

Fiber Optics: Fiber optic lines have not been installed on Interstate highway R/W in West Virginia or on any other controlled access Federal-aid highway R/W.

Wireless: Towers have not been installed on Interstate highway R/W in West Virginia or on any other controlled access Federal-aid highway R/W. Comments: On November 15, 2000, the Governor's Office of Technology, the WV Department of Transportation, and the WV Parkways, Economic Development and Tourism Authority jointly issued a Request for Proposals from vendors to install and maintain a fiber optic communication network for as much as the area of the state as possible. On December 18, 2000, Verizon Communications filed for an injunction in Federal court seeking to halt the opening of the proposals. Verizon claimed the RFP was in violation of the Telecommunications Act of 1996 and other state laws related to regulation of utilities. On December 19, 2000, at the request of the Governor, the RFP was canceled. It is unclear at this time whether or not the RFP will be revised and reissued later.

Southern Resource Center:

ALABAMA

FHWA Contact: Linda Guin, (334) 223-7377 E-Mail: Linda.Guin@fhwa.dot.gov

Fiber Optics: Fiber-optic lines have not been installed on Interstate highway R/W in Alabama or on any other controlled access Federal-aid highway R/W. The Division Office has been monitoring ALDOT activities in this regard and providing education.

Wireless: Installations have not been installed on Interstate highway R/W in Alabama or on any other controlled access Federal-aid highway R/W. The Division Office has been monitoring DOT activities in this regard and providing education.

Comments: The Alabama DOT has appointed a committee to evaluate all aspects of placing both fiber and wireless facilities on Interstates and other access-controlled highways.

FLORIDA

FHWA Contact: Bill Wade, (805) 942-9650 x3021 E-Mail: Bill.Wade@fhwa.dot.gov

State Contact: Gene Glotzbach, FDOT (805) 414-7620

Fiber Optics: Fiber has been installed on Interstate highway R/W and other controlled access Federal-aid highway R/W in Florida on a limited basis by the Florida DOT to support ITS initiatives in urban areas. FDOT received and awarded a contract to Florida Fiber Inc. (FFN) to place fiber optic lines in all limited access highways in Florida. The Florida Division treated the installation as if it were a utility under our Utility Accommodation Agreement with FDOT. However, FHWA concurrence was required with the lease agreement because the UAM called for a permit and the lease was an exception to that policy. The current UAM prohibits longitudinal installation of utilities. Concerns about the environment were addressed throughout the process. Subsequently, the FFN has not provided FDOT with the required financial plans and other resource commitments that they agreed to and FDOT has now written them a letter declaring FFN in default of the agreement and giving them 90 days to submit the required and promised materials. Also check out: <http://www11.myflorida.com/publicinformationoffice/fiber/finalppa.htm>

Wireless: Commercial wireless facilities are being installed on Interstate highway R/W in Florida as well as the Florida Turnpike facilities. Florida DOT has signed an agreement with Lodestar Towers, Inc. to market limited access rights-of-way for the installation of commercial wireless telecommunications facilities. The Florida DOT has the option of receiving a percent of the gross revenue generated at these tower sites or receiving services. In addition to limited access rights-of-way, Lodestar can utilize Florida DOT Maintenance yards as well as existing communication facilities for commercial wireless telecommunications. The first commercial wireless telecommunications facilities were erected in March of 2000 and through the course of the year. Lodestar expects to erect some 70 towers on Florida DOT property. Florida DOT has its own network of towers to support the call box communication system and the Florida DOT's 47 MHz land mobile communication system. Lodestar Towers, Inc. was selected through the RFP process with an agreement signed March 25, 1999. The Division Office has provided technical assistance.

GEORGIA

FHWA Contact: Bob Chaapel, (404) 562-3657 E-Mail: Robert.Chaapel@fhwa.dot.gov

Fiber Optics: GDOT has installed fiber-optic lines on Interstate R/W but only for their own use on I-20, I-75, I-85 and I-285 in the Atlanta area and I-475 in the Macon area to support the deployment and operation of their ITS network (no resource sharing involved). GDOT has not installed fiber-optic on any other controlled access facilities. The FHWA Division Office provided technical assistance and approved the installation. Wireless: GDOT has not installed any wireless telecommunications facilities on Interstate or other controlled access facilities. The FHWA Division Office advises GDOT on wireless issues.

KENTUCKY

FHWA Contact: Evan Wisniewski, (502) 223-6740 E-Mail: Evan.Wisniewski@fhwa.dot.gov

Fiber Optics: Lines have not been installed on Interstate highway R/W in Kentucky or on any other controlled access Federal-aid highway R/W in the State, except for some that have been installed solely for highway use -- no resource sharing involved. The State is currently considering the use of the R/W by others. Wireless: Facilities have not been installed on Interstate highway R/W in Kentucky or on any other controlled access Federal-aid highway R/W in the State.

Comments: The Kentucky Division has played an advising role on resource sharing.

MISSISSIPPI

FHWA Contact: Bob Webster, (601) 965-4228 E-Mail: RWebster@ms.fhwa.dot.gov

Fiber Optics: Lines have not been installed on Interstate highway R/W in Mississippi, except for a very minor amount on the Gulf Coast. Fiber-optic lines have been installed on other controlled access Federal-aid highway R/W in Mississippi, as with other utilities, on many non-Interstate 4 lane and 2 lane highways. No resource sharing has been involved. MDOT people are of the opinion that the same people who pay the rates are the same people who pay for the highway, and the utility company would just pass the cost of any remuneration back to the public. Accommodation of the Interstate fiber-optic lines has been by a year-to-year permit for the last 6-7 years because the utility hasn't been able to buy R/W and move. Utilities locations are usually limited to the last five feet of R/W limits if possible. The Division Office advises MDOT whenever asked and only see the permits that deal with utilities crossing the Interstate.

Wireless: Facilities have not been installed on Interstate highway R/W in Mississippi or on any other controlled access Federal-aid highway R/W.

NORTH CAROLINA

FHWA Contact: Dan Hinton, (919) 856-4350 ext. 107 E-Mail: Dan.Hinton@fhwa.dot.gov

State Contact: Ayden Flowers, Utilities Coordinator (919) 733-7932

Fiber Optics: Lines have not been installed on Interstate or on any other fully controlled access highways in North Carolina. There have been some installations on partial controlled or limited access routes. No compensation was received for these installations. They were all installed near the R/W line and are to be accessed from existing access points or ramps/frontage roads, etc. - not from the mainline.

Wireless: Facilities have not been installed on Interstate or on any other fully controlled access routes in North Carolina. Comments The FHWA Division Office provides advice as needed on any issues relating to resource sharing. There has been no change in North Carolina since the review last year by the Office of Program Quality Coordination. North Carolina officials have not changed their position relating to these facilities. At the present time, they do not believe it is worth pursuing. There has been one persistent inquiry from VIVX relating to fiber-optic lines along I-40 and I-85, particularly between Greensboro and Durham, but the NCDOT has resisted the pressure and no facilities are planned.

SOUTH CAROLINA

FHWA Contact: Steve Ikerd, (803) 253-3885 E-Mail: Sikert@sc.fhwa.dot.gov

SCDOT Contact: Marion Leaphart, (803) 737-1293

Fiber Optics: With the exception of a Southern Bell fiber optic cable crossing of the Cooper River on the I-526 bridge in Charleston, the SCDOT has not allowed the installation of privately owned fiber optic lines within the R/W of any controlled access facility. In return for allowing the Cooper River crossing in the early 1990's, the SCDOT

received fibers from the bridge site to the District office for use in the operation of a Fog Detection and Warning System. The SCDOT has installed and owns approximately 50 miles of fiber optic cable along portions of I-85, I-77, and I-26 for operation of freeway management components in the Greenville/Spartanburg, Columbia, Rock Hill, and Charleston urban areas. The SCDOT put out an RFP for a Statewide Shared Resource Contract (fiber-optics) on Oct. 26, 2000. They are currently evaluating the responses.

Wireless: The SCDOT has not allowed the installation of telecommunication towers within the R/W of any controlled access facility.

TENNESSEE

FHWA Contact: Roger Port, (615) 781-5774 E-Mail: Roger.Port@fhwa.dot.gov

TNDOT - John Bovnton (615) 741-2891

Fiber Optics: The first application of fiber-optic lines on Interstate highways in Tennessee was concurred in by the Division Office on 9-22-97 and involved the I-55 Bridge in Memphis. Actual installation has not commenced. No longitudinal fiber-optic lines have been permitted along any other controlled access facilities in the State. TDOT will receive the exclusive use of six(6) unlighted fiber lines on the I-55 Bridge installation. The lines are to be installed along the outside of the bridge structure, but no direct access will be allowed from the through roadway or ramps for initial placement or future servicing of the fiber optic lines. The Division Office has been instrumental in forwarding legal and operational guideline publications, as well as current informational material, to TDOT management and has conducted a one-day joint seminar with TDOT officials, and representatives of Apogee Research, Inc. and the Missouri DOT on 11-19-96.

Wireless: Facilities have not been installed on Interstate or any other Federal-aid controlled access highways in Tennessee.

TEXAS

FHWA Contact: Lee Gibbons, Utilities Coordinator, Texas Division (512) 916-5516

E-Mail Address: Lee.Gibbons@fhwa.dot.gov

Fiber Optics: Lines have been installed on Texas Interstate highway R/W and on other controlled access Federal-aid highway R/W in accordance with the TxDOT Utility Accommodation Manual. These lines have been installed by companies that are considered utilities, and no resource sharing has taken place as yet. No compensation was received since the companies had a right to occupy the right of way. These fiber optic lines are located outside the frontage roads, outside the clear zone near the R/W line. They will be maintained from the frontage roads and side streets. Texas has an extensive system of frontage roads along the interstate and other controlled access highways throughout the state, and utilities are generally located between the frontage road and R/W line along these highways. The Division has not had any involvement in these lines since they are approved by TxDOT using permit procedures. Resource sharing efforts are well underway, with rulemaking procedures underway. A pilot implementation effort will then follow as a need is identified. Comments: TxDOT is currently considering installing a fiber-optic cable between Odessa and El Paso in the median.

Wireless: Facilities have been installed on Interstate R/W at two locations the TxDOT Central Office R/W (Utility) Section is aware of in the San Antonio area. There are also two wireless installations on other controlled access Federal-aid highway R/W in the San Antonio area. TxDOT did not receive any compensation for these installations since the companies erecting the facilities were considered utilities with a right to occupy the R/W. These facilities on the R/W are monopole tower assemblies. The support cabinets have generally been placed off the R/W. The towers located on the R/W are located near the R/W line outside the clear zone and will be accessed from the frontage road or side street. One pole is located in a benign location from the safety standpoint outside the frontage road in an interchange area. The Division Office does not have an active role but does communicate with the TxDOT Central Office R/W section on this subject occasionally.

ARKANSAS

FHWA Contact: David Blakeney (501) 324-6438 E-mail David.Blakeney@fhwa.dot.gov

State Contact: Perry Johnston, Utilities Coordinator, AH&D (501) 569-2321

E-Mail Address: Perry.Johnston@AHTD.state.ar.us

Fiber Optics: Lines have been installed on some Interstates (1-40 across state; 1-30 from Little Rock to Hope; 1-540 MO line to Ft. Smith through tunnel facility, 1-430 from 1-40 to 1-30) and on 1-55. All lines installed near fence line, with pull boxes outside access line at each interchange. AH&D has access to each pull box, and are assigned spacelines at each regeneration site in exchange.

Wireless: Not allowed on any highway R/W at present.

LOUISIANA

FHWA Contact: Pete Nyberg, (225) 757-7625 E-Mail: Peter.Nyberg@fhwa.dot.gov

LADOTD Contact: Tom Harrell, P.E. (225) 379-1509 E-mail: thomasharrell@dotd.state.la.us

Fiber Optics: Fiber-optic cables can be placed along non-controlled access freeways at no charge to the utility. Along controlled access freeways and Interstate highways fiber-optic lines can be placed for a charge of \$5,000 per mile (a one time charge). This charge may be waived in return for shared resources. The LDOTD published a Rule for Fiber Optic permits in the Louisiana Register on December 20, 1999 allowing fiber-optic lines and for resource sharing of the lines. LDOTD will ask for resources for their use in any agreement. Money obtained from this endeavor will be deposited in the Right of Way Permit Processing Fund. There are eight companies installing lines along Interstates as of April 1, 2001.

Wireless: Towers are allowed but only one tower has been installed in a rural Interstate Highway Interchange. The fees are low annual fees but higher than usually obtainable in other areas. Fees are based on area where tower will be located (higher fees in metropolitan areas, lower in rural areas).

NEW MEXICO

Contact: Joe Edwards, NM Division (505) 820-2024

E-Mail Address: JosephE.Edwards@fhwa.dot.gov

State Contact: John Rocha - NMSHTD Utility Section Chief (505) 827-5357

The State of New Mexico has a process in place & in use that enables the placing of wireless sites within State R/W. The State is currently developing a process to enable the placement of wire line (fiber-optic) facilities within Interstate and other state R/W. One cellular tower is operational.

OKLAHOMA

FHWA Contact: Jim Carver (405) 605-6040 E-mail: James.Carver@fhwa.dot.gov

State: Lynn Whitford, Utility Manager-ODOT (405) 521-2641;

Alan Stevenson, Traffic Engineering Division-ODOT (405) 521-2861;

Gary Brown, Oklahoma Turnpike Authority (405) 425-3646

Fiber Optics: Oklahoma currently has a fiber-optic facility in place that begins at the Texas/Oklahoma State Line and extends to Oklahoma City along Interstate Highway 35. The facility continues along Interstate Highway 44 to the Missouri/Oklahoma State Line. The Transportation Commission was the Authoritative body that granted an exception to current policy. The facility was placed under the supervision of the Department of Transportation. Resource sharing was a factor in the agreement to place this facility within Interstate Highway RIW. The facility was placed at no cost to the State. The State received exclusive use of 12 fibers (4 Lighted). The State would not be responsible for the maintenance of the facility. All future costs associated with Highway Construction requiring relocation *would be born by the company*, Traffic Engineering Division is currently working on the placement of a Fiber Optic facility along a route that involves various Interstate Highway Rights-of-Way that are associated with the future Intelligent Transportation System.

Wireless: Not allowed at this time.

Midwest Resource Center:

ILLINOIS

FHWA Contacts: Don Keith, R/W, (217) 492-4640 E-Mail: Don.Keith@fhwa.dot.gov

Peter Hartman, Eng. Team Leader (217) 492-4622 Peter.Hartman@fhwa.dot.gov

Fiber Optics: Lines have been installed this past year for the first time on the Interstate right of way.

Williams Communications has installed fiber optics ducts (including a duct for state communications) along and near the access control fences along 1-270 from St. Louis, 1-55, I-155 and 1-74 to Peoria and along 1-55 between Bloomington and Bolingbrook. IDOT has resisted proposals from telecommunications providers to install fiber optics ducts along and within the Interstate medians, and all installations to date are along and within a few feet of the access control fences. The State will receive service in kind, i.e., their own separate fiber optics duct. Additionally, the State is receiving rental payments, based upon approved appraisals, for the permits given to Williams to longitudinally occupy the Interstate right of way.

INDIANA

FHWA Contact: Dennis Lee, Indiana Division, (317) 226-7487

E-Mail Address: Dennis.Lee@fhwa.dot.gov

Fiber Optics: The INDOT has not allowed any fiber optics installations along roads under their jurisdiction, except for the Indiana Toll Road which is 1-80/ 1-90 across the northern portion of the State and is 251 km in length. The Toll Road Division of INDOT had some fiber optic lines in place but they were outdated.

They are now involved in a pilot project with new lines to be installed. There is no Federal money in this effort. Because of some concerns by INDOT about legal issues concerning use of the Right of Way, a Request for Information (RFI) has been sent to potential users to determine potential needs and usage of a fiber optic system. Even though no decision has been made, INDOT is currently leaning toward working on 1-65 and 1-64 as the initial effort. The information from the RFI will help them to decide where the first efforts will occur. An alternative that INDOT is considering is to possibly tie into the existing State Police wireless network.

Wireless: INDOT does not have wireless installations, but are considering a request for proposals (RFP) for wireless communications using certain facilities such as tower light supports. The City of Indianapolis currently has an RFP out trying to get private industry as partners in a wireless system. The State and we are anxiously awaiting the outcome.

MICHIGAN

FHWA Contact: John Wiesner, (517) 377-1880. Ext. 40 E-Mail : John.Wiesner@fhwa.dot.gov

MDOT Contact: Mark Dionise (517) 373-7682. E-Mail address: dionisem@state.mi.us.

Fiber Optics: Lines have been installed on Interstate highway R/W in Michigan and also on other controlled access Federal-aid highway R/W in the State. Compensation has consisted of a Permit Fee of \$1000 per mile, Lines have been located outside the clear and will be maintained from fence line. cross roads, or ramps, with exceptions.

Wireless: Facilities have not been installed on any Interstate highway R/W in Michigan or on any other controlled access Federal-aid highway R/W in the State. The Division Office has played a minimal role thus far.

MINNESOTA

FHWA Contacts: Jim McCarthy (651) 291-6112 or Pete Kiernan (651) 291-6106

MnDOT Contacts: Adeel Lari 651-282-6148 or Bob McPartlin (651) 296-4337

Web Site: <http://w.dot.state.mn.us/connect/>

Fiber Optics: On December 23, 1997, the Minnesota Department of Transportation (MnDOT) entered into an agreement with a private consortium granting them exclusive access to lay a fiber optic network within state trunk highway right-of-way. The Minnesota trunk highway system consists of Interstate, NHS, and other principal arterials. Leading the consortium was International Communications Services (ICS)/Universal Communication Networks (UCN) from Denver, Colorado. Under this agreement, the consortium was to construct a 2,200 mile fiber optic network that included three loops, going to the northern and southern portions of the state as well as to the Twin Cities metropolitan area. In exchange for this accommodation within trunk highway right-of-way, the consortium would provide all state, city and county agencies, as well as public and private schools and universities, free access to the network. up to 20-30% of capacity. The consortium had the right to lease the remaining